

EXHIBIT 5

EQUINOX**RECORD OF DISCUSSION (ROD)****EMPLOYEE NAME:** Robynn Europe**EMP#:****DATE ISSUED:** 5/29/19**CLUB:** East 92nd Street**DEPT:** Personal
Training**POSITION:** PTM**PLEASE SELECT ONE:**☐ **VERBAL ROD***

*Does not need to be signed by Employee

☐ **WRITTEN ROD**☒ **FINAL ROD****DESCRIBE REASON FOR RECORD OF DISCUSSION. UNSATISFACTORY PERFORMANCE/BEHAVIOR:***(BE SPECIFIC WITH DATES, TIMES, LOCATION, PARTIES INVOLVED, ETC.)*

Robynn Europe is not meeting the expectations of an Equinox employee as it relates to company standards regarding attendance and punctuality. Over the last 15 days, **Robynn Europe** has been:

- Late for 14 shifts
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- 4/29- 8am vs 8:30am
- 5/1 - 10am vs. 10:15am
- 5/4 - 8am vs no check-in
- 5/6- 8am vs 8:15am (no check-in)
- 5/7- 10am vs. 10:25am
- 5/8- 10am vs 10:15am
- 5/14- 10am vs. 10:15am
- 5/15- 10am vs. 10:14 am
- 5/18 - 8am vs 8:27am
- 5/20- 8am vs 8:32 (no check-in)
- 5/21 - 10am vs 10:20am (no check-in)
- 5/23- 10am vs 10:44am (no check-in)
- 5/25- 8am vs 8:55am
- 5/28 - 10am vs 10:44am

Management has addressed this issue with **Robynn Europe** on several occasions, however performance has not improved.

EXPECTED PERFORMANCE/BEHAVIOR (ACTION PLAN):

Equinox is committed to providing an unparalleled experience for our members as supported by the Equinox High Fives: know our members, listen to our members, see the club through the member's eyes, treat every interaction you have as make or break, and exceed our member's expectations.

In order to deliver the ultimate member experience, it is important for all employees to be present at work, and at the time that they are scheduled. Equinox employees are expected to adhere to weekly schedules, working his/her full shift from start to finish, and clocking in and out accordingly for meal breaks.

If an employee is unable to work his/her scheduled shift, the employee must notify his/her manager at least twelve (12) hours prior to shift start time. In addition, employees are expected to notify a manager if he/she will be more than ten (10) minutes late for his/her scheduled shift.

Revision Date: October 2018

D000312

Robynn is expected to be at work on time in accordance to her scheduled shift. Robynn is expected to notify management if she will be more than ten 10 minutes late for her scheduled shift.

CONSEQUENCES IF UNSATISFACTORY PERFORMANCE/BEHAVIOR OCCURS AGAIN:

Further disciplinary action up to and including separation of employment.

EMPLOYEE COMMENTS:

I ACKNOWLEDGE THAT THIS RECORD OF DISCUSSION HAS BEEN PRESENTED TO ME AND THAT I UNDERSTAND THE EXPECTED PERFORMANCE/BEHAVIOR AS DESCRIBED ABOVE.

☐ **Employee Received Copy of this ROD
(Only if employee Signed)**

Employee Signature **Date**

Employee Name (Print)

Supervisor Signature **Date**

Supervisor (Print)

Witness Signature **Date**

Witness (Print)

☐ **Employee Refused to Sign**

Depending on the circumstances, it may be appropriate to skip a step and issue a different level of discipline, up to and including termination. Equinox is an at-will employer. This means either you or Equinox can terminate your employment at any time with or without cause or notice. Nothing in this Record of Discussion changes your at-will status. Nothing in this Record of Discussion nor any statement or promise by a supervisor, manager or employee shall constitute a promise of employment for a specified period of time or constitute an employment agreement of any kind.